

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

DAVID PESHAKAI, DARLENE THOMAS,  
CHARLES REYNOLDS AS THE PERSONAL  
REPRESENTATIVE OF THE WRONGFUL  
DEATH ESTATES OF DEL LYNN PESHAKAI  
(DECEASED) AND DESHAUNNA PESHAKAI  
(DECEASED), DANELL PESHAKAI, DARNELL  
PESHAKAI, SHAWN BEGAY, DELACEY  
PESHAKAI, and DAVID PESHAKAI, JR.,

Plaintiffs,

vs.

No. CIV 13-0752 JB/ACT

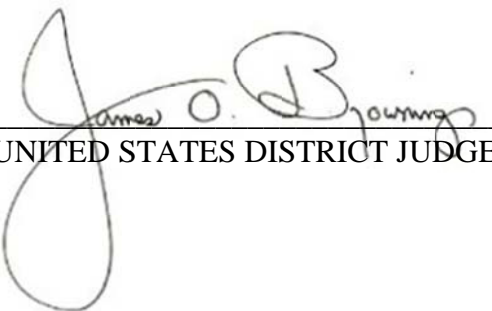
JAMES RUIZ, GILBERT MENDOZA, AMREST, LLC  
d/b/a APPLEBEE'S NEIGHBORHOOD GRILL AND BAR,  
and APPLEBEE'S INTERNATIONAL, INC.,

Defendants.

**ORDER**

**THIS MATTER** comes before the Court on Defendant Applebee's International, Inc.'s Motion for Protective Order Regarding Plaintiff's Notice of Deposition of Darren Hunt and Bob Nygren and Request for Emergency Hearing, filed in state court January 29, 2013, filed in federal court September 10, 2013 (Doc. 35-8)("Motion"). The Court held a hearing on November 21, 2013. The primary issue is whether the Court should "issue a Protective Order prohibiting Plaintiffs from attempting to depose either Bob Nygren or Darren Hunt on dates that they are unavailable." Motion at 3. At the hearing, the parties agreed that the deposition will not take place as scheduled and that they will reschedule the deposition to occur at a time convenient for the witnesses. Pursuant to the parties' agreement at the hearing, the Court will grant the Motion.

**IT IS ORDERED** that Defendant Applebee's International, Inc.'s Motion for Protective Order Regarding Plaintiff's Notice of Deposition of Darren Hunt and Bob Nygren and Request for Emergency Hearing, filed in state court January 29, 2013, filed in federal court September 10, 2013 (Doc. 35-8), is granted. The deposition will not take place as scheduled; the parties will reschedule the deposition to occur at a time convenient for the witnesses.



UNITED STATES DISTRICT JUDGE

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